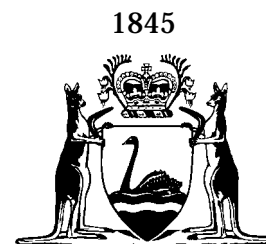




WESTERN AUSTRALIAN GOVERNMENT Gazette



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NEW FORMAT FOR GENERAL GOVERNMENT GAZETTES

For ease of access to particular notices the general Gazette will be divided into two parts as detailed below. In each part, the notices will appear in alphabetical order of the authorising Department.

Part 1 will contain Proclamations, Regulations, Rules, Local Laws and various other Instruments etc. but not Town Planning Schemes.

Part 2 will contain general notices and information and Town Planning Schemes.

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Special *Government Gazettes* containing notices of an urgent or particular nature are published periodically.

The following guidelines should be followed to ensure publication in the *Government Gazette*.

- Material submitted to the Executive Council prior to gazettal will require a copy of the signed Executive Council Minute Paper and in some cases the Parliamentary Counsel's Certificate.
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PUBLISHING ALTERATIONS

Periodically the normal *Gazette* publishing times need to be altered to cater for disruption caused by public holidays.

- Easter and Christmas holidays cause disruption each year.
- Australia Day and Anzac Day cause disruption when they fall on a Tuesday or Friday.

In these instances, notices warning of the change are generally published on page 2 for approximately 4 weeks prior to the date.

Readers are urged to check *Gazettes* accordingly, prior to contacting State Law Publisher.

JOHN A. STRIJK, Government Printer.

— PART 1 —

LOCAL GOVERNMENT

LG301*

LOCAL GOVERNMENT ACT 1995

TOWN OF MOSMAN PARK

STANDING ORDERS LOCAL LAW 1999

Under the powers conferred by the *Local Government Act 1995*, the Council of the Town of Mosman Park resolved on the 27th day of April, 1999 to adopt the *Model Local Law (Standing Orders) 1998* published in the *Government Gazette* on 3rd April 1998, with such modifications as are here set out—

MODIFICATIONS TO MODEL LOCAL LAWS (STANDING ORDERS)

Arrangement

1. (1) Delete 2.2.
- (2) Delete 3.10 and renumber Part 3 consecutively.
- (3) Delete 4.1 and renumber Part 4.
- (4) Delete Part 7.
- (5) Delete 8.2 and renumber Part 8 consecutively.
- (6) Delete all numerical references in Part 8 to Part 18 inclusive and substitute Part 7 to Part 17 as appropriate.

Repeal

2. Delete “[insert day/month/year of gazettal(s)]” and insert “the 11th day of November 1965 as amended from time to time.”

General Amendment

3. (1) Throughout the local laws delete “[insert year]” and insert “1999”.
- (2) Throughout the local laws delete “[insert name of local government]” and insert “Town of Mosman Park”.
- (3) Throughout the local laws delete “[insert “Mayor” or “President”]” and insert “Mayor”.

Clause 2.2 Deleted

4. Delete clause 2.2.

Clause 3.1 Amended

5. In clause 3.1, in the second line of subclause 3.1(1) delete “the approval of the person presiding or”.

Clause 3.2 Amended

6. In clause 3.2, delete paragraphs (a) to (m) inclusive from subclause 3.2(1) and substitute the following—
 - (a) Official Opening.
 - (b) Response to previous questions taken on notice.
 - (c) Public Question Time.
 - (d) Apologies and leave of absence.
 - (e) Petitions/deputations.
 - (f) Confirmation of minutes.
 - (g) Announcements by person presiding without discussion.
 - (h) Reports of Committees.
 - (i) Motions of which previous notice has been given.
 - (j) Urgent business approved by decision of the council.
 - (k) Matters behind closed doors.
 - (l) Closure.

Clause 3.3 Amended

7. In clause 3.3, in the second line of subclause 3.3(3) delete “copy” and substitute “summary of the response”.

Clause 3.4 Amended

8. In clause 3.4, delete paragraph (g).

Clause 3.7 Amended

9. In clause 3.7, in the first and second lines delete "early in the meeting".

Clause 3.8 Amended

10. In Clause 3.8, delete subclauses 3.8(2) and 3.8(3).

Clause 3.10 Deleted

11. Delete clause 3.10.

Clause 3.11 Amended

12. In clause 3.11,

- (1) in the heading, delete "By the Person Presiding or" and add after "Decision" the words "of the Council".
- (2) in the first line delete "extreme".
- (3) in the first and second lines delete "with the consent of the person presiding, or".

Part 3 Amended

13. In Part 3, renumber the clauses consecutively.

Clause 4.1 Deleted

14. Delete clause 4.1.

Clause 4.2 Amended

15. In clause 4.2,

- (1) in the heading delete "Withheld".
- (2) delete subclause 4.2(1).
- (3) in subclause 4.2(2), add after "information" in the second line "or reports, documents or other written material marked "confidential".
- (4) delete "4.2" and substitute "4.1".

Clause 6.2 Amended

16. In subparagraph 6.2(2)(b)(ii) delete "9.5" and substitute "8.5".

Part 7 Deleted

17. Delete Part 7.

Clause 8.2 Deleted

18. Delete Clause 8.2.

Part 8 Amended

19. In Part 8 delete the numbering 8.3 to 8.7 inclusive and substitute 8.2 to 8.6 inclusive.

Clause 10.3 Amended

20. In clause 10.3,

- (1) delete subclause (3).
- (2) delete the numbering of subclause (4) and (5) and substitute the numbering (3) and (4).

Clause 11.2 Amended

21. In subclauses 11.2(1) and 11.2(2), delete "11.1" and substitute "10.1".

Clause 12.2 Amended

22. In paragraph 12.2(2)(b) delete "9.5" and substitute "8.5".

Clause 12.3 Amended

23. In sub paragraph 12.3(2)(b)(ii) delete "9.5" and substitute "8.5".

Clause 12.7 Amended

24. In subclause 12.7(2) delete "9.5" and substitute "8.5".

Clause 15.8 Amended

25. In subclause 15.8(2) delete "9.3" and substitute "8.3".

Clause 15.9 Amended

26. In paragraph 15.9(2)(b) delete "9.5" and substitute "8.5".

Clause 17.3 Deleted

27. Delete Clause 17.3.

Clause 17.6 Amended

28. In Clause 17.6,

- (1) delete paragraph 17.6(a)
- (2) delete "9.1" in paragraph 17.6(b) and substitute "8.1".
- (3) delete "9.5" in paragraph 17.6(c) and substitute "8.5".
- (4) delete the designations "(b)" and "(c)" and substitute "(a)" and "(b)" respectively.

Clauses 17.4, 17.5 and 17.6 Amended

29. In clauses 17.4, 17.5 and 17.6 delete the clause numbers and substitute "17.3", "17.4" and "17.5" respectively.

Clause 18.2 Amended

30. In clause 18.2, delete "11.1(f)" and substitute "10.1(f)".

Clause 19.1 Amended

31. In clause 19.1,

- (1) delete subclauses 19.1(2), 19.1(3) and 19.1(4).
- (2) delete "(5)" in subclause 19.1(5) and substitute "(2)".

Renumbering of Parts and Clauses

32. In Part 8 to Part 18 inclusive delete all part numbers and clause numbers and substitute "7" to "17" where appropriate.

Dated this 30th day of April, 1999.

T. J. HARKEN, Chief Executive Officer.

LG302**LOCAL GOVERNMENT ACT 1995***Shire of Westonia***LOCAL LAW TO REPEAL OUTDATED LOCAL LAWS**

Under the powers conferred by the *Local Government Act 1995* and by all other powers, the local government of the Shire of Westonia resolved to make the following local laws on the 15th day of April 1999.

Repeal

All local laws of the Shire of Westonia made under the *Local Government Act 1960* and the *Road Districts Act 1919* are repealed with the exception of local laws relating to Standing Orders.

Dated this 22nd day of April 1999.

The Common Seal of the Shire of Westonia was affixed in the presence of—

J. A. DELLA BOSCA, President.
A. W. PRICE, Chief Executive Officer.

LG303**LOCAL GOVERNMENT ACT 1995***Shire of Westonia***LOCAL LAW TO REPEAL LOCAL LAWS RELATING TO DOGS**

Under the powers conferred by the *Dog Act 1976* and all other powers enabling it, the Council of the Shire of Westonia resolved to make the following Local Law on the 15th day of April 1995.

Repeal

Local Laws Relating to Dogs published in the *Government Gazettes* of 21 March 1930 and 4 March 1988, are repealed.

Dated this 22nd day of April 1999.

The Common Seal of the Shire of Westonia was affixed in the presence of—

J. A. DELLA BOSCA, President.
A. W. PRICE, Chief Executive Officer.

LG304**LOCAL GOVERNMENT ACT 1995***Shire of Westonia***LOCAL LAW RELATING TO STANDING ORDERS**

In pursuance of the powers conferred upon it by the abovementioned Act and all other powers enabling it, the Council of the Shire of Westonia hereby records having resolved on 15 April 1999, to make the following Local Law.

The Shire of Williams Local Laws Relating to Standing Orders published in the *Government Gazette* on 24 October 1997 are adopted as a Local Law of the Shire of Westonia with such alterations as are here set out—

1. Delete “Shire of Williams” wherever it occurs and substitute “Shire of Westonia”.
2. Delete clause 5.1.
3. Renumber clause 5.2 and 5.3 to 5.1 and 5.2 respectively.
4. Delete clause 8.1 and substitute—

“8.1 Members to be Recognised Before Speaking

Any member intending to move a motion or amendment or to take part in the discussion thereof shall raise his or her hand and wait until recognised by the President before speaking.”

5. In clause 11.8, delete “or” where it first occurs and substitute “of”.
6. Insert a new Part as follows—

19. Repeal

The Local Laws Relating to Standing Orders published in the *Government Gazette* of 24 July 1968, are repealed.

Dated this 22nd day of April 1999.

The Common Seal of the Shire of Westonia was hereunto affixed by authority of a resolution of the Council in the presence of—

J. A. DELLA BOSCA, President.
A. W. PRICE, Chief Executive Officer.

— PART 2 —

AGRICULTURE

AG401

STOCK DISEASES (REGULATIONS) ACT 1968

Agriculture Western Australia,
South Perth WA 6151.

I, the undersigned Minister for Primary Industry; Fisheries, being the Minister responsible for the administration of the Stock Diseases (Regulations) Act 1968, hereby appoint the following as Temporary Inspectors pursuant to section 8(2) of the said Act—

Dan Machin
Justin Bellanger
Craig Lawrence
Paul Hillier
Gary Harburn
Russell Adams
John Kelly
Ken Gittins
Eric Loughton

For a twelve month period commencing the date of approval.

Dated: 15 March 1999.

MONTY HOUSE, Minister for Primary Industry; Fisheries.

LOCAL GOVERNMENT

LG401

SHIRE OF MUNDARING

Temporary Rangers

It is hereby noted for public information that Peter Adam Duff, Steven Donald Cameron and Robertino Hop have been appointed as Authorised Persons of the Shire of Mundaring pursuant to the following—

To exercise power under Part XX of the Local Government (Miscellaneous Provisions) Act 1960;
Section 449 of the Local Government (Miscellaneous Provisions) Act 1960 as Pound Keeper and Ranger;

Part 9 Division 2 of the Local Government Act 1995;

Section 9.13, 9.15 of the Local Government Act 1995 as an Authorised Person;

Section 3.39 of the Local Government Act 1995 as an Authorised Person;

and as an Authorised Person pursuant to the following—

Dog Act 1976 for the purposes of registering, seizing, impounding, detaining and destroying of dogs; Section 33E(1) Dog Act as an Authorised Person;

Control of Vehicles (Off Road Area) Act 1978;

Litter Act 1979;

Bush Fires Act 1954

and effecting general ranger duties within the district.

M. N. WILLIAMS, Chief Executive Officer.

MAIN ROADS

MA401*

LAND ADMINISTRATION ACT 1997

Instrument of Sub-Delegation

I, MURRAY JOHN CRIDDLE, MLC, Minister for Transport, acting in accordance with section 160 of the Land Administration Act 1997, hereby delegate to the Executive Director Finance and Services, Main Roads Western Australia powers and duties under those Sections of the Land Administration Act listed in the following schedule—

| Section | Subject |
|--------------------------|--|
| 164(2) (3) | Return of mineral rights as compensation. |
| 168 | Voluntary agreement to purchase land |
| 173 | No improvements to be made to land under notice without Minister's Approval |
| 171;170 | Duties regarding Notice of Intention to Take |
| 175(1)(2)(3)(4) | |
| 172(1)(2)(3) | |
| 172(4)&(5)(a)(b) | |
| 172(6) | |
| 174 | |
| 176(1)(3) | Determine request to take small severed portion of land |
| 177(5) | Duties relating to after the registration of Taking Order |
| 177(5)(c) | Notice of taking and claim for compensation form to be served |
| 178(7) | Agreement to allow interest of Lessee or Occupier to continue |
| 181 | Payment of compensation for damage (where a notice is annulled or amended) |
| 184 (1) & (3) | Entry for assessment of compensation; and giving notice |
| 184 (2) & (3) | Entry for assessment of survey; and giving notice |
| 185 | Temporary occupation |
| 182; 186 (c) & (d) & (e) | Authorising entry onto land for feasibility studies and giving notice |
| 186 (4) & (5) | After entry the Minister must determine the interest in the land |
| 187(1)(a) | Changing designation of land to another public work |
| 189 | Option to purchase if interest less than fee simple not required for public work |
| 190(3) | Advertising of options |
| 190(5) | Determining whether land should be resold to a former owner and under what terms and conditions, and determining between competing applicants. |
| 191(1) | Determining whether an interest is still required for a public work |
| 191(3) | Notification of determination |
| 192(1)(2)(3)(4) | Leasing taken land |
| 197 | Action to enforce possession of taken land |
| 199 | Penalty for obstructing workmen or destroying fences, marks, etc |
| 203(1) | Persons suffering damage entitled to compensation |
| 203(1) & (3) | Interested party may require compensation and is required to give notice to Acquiring Authority during entry or occupation |
| 203(3) | Compensation for entry under Section 203 not to exceed amount payable as if land had been taken |
| 207(2) | Extension of period for making claim |
| 212 | Request for non-monetary compensation |
| 213 | Receiving and giving receipt for compensation claim |
| 214 | Claimant to provide further particulars |
| 215(1) | Time for service of notice disputing claimant's title |
| 215(2) | Failure to serve notice under 215(1) admits claimant's title |
| 216 | Court action by claimant relating to disputing title |
| 217 | Duty to make an offer of compensation |
| 218 | Ability to amend offer of compensation |
| 219 | Non-rejection of offer is equivalent to acceptance |
| 220 | Specifies three alternatives for settlement |
| 221 | Claimant may commence proceedings within 120 days of service of claim |
| 222 | Acquiring authority's ability to apply to a Judge for a direction to determine compensation |
| 223 | Court procedures for determining an action for compensation |
| 224 | Rejection of offer and referral to compensation court |
| 225 | Assessor must sign a consent and declaration to appointment |
| 228 | Compensation Court—Parties may agree on a single person to constitute the court |
| 229 | Compensation Court—Court may hear other claims by consent |
| 230 | Compensation Court—Either party may object to appointment of any assessor |
| 232 | Compensation Court—Parties to be given notice of Court Sitting |
| 233 | Compensation Court—Hearing may proceed in absence of parties; parties may be represented |
| 235 | Compensation Court—Court to examine witnesses |
| 237 | Compensation Court—Determination of questions of law—either party may require Court President, if an SM or Judge of the District Court, to refer matter to a Supreme Court Judge |

| Section | Subject |
|---------|--|
| 238 | Compensation Court—If court unable to agree |
| 240 | Compensation Court—Court award to be in writing served on both parties |
| 241 | Compensation Court—Ascertainment of compensation |
| 242 | Compensation Court—Apportionment of Rates and Taxes |
| 243 | Compensation Court—Compensation may be reduced by work done by the claimant which makes the land less suitable for the public work |
| 248 | Advance payments |
| 249 | Compensation Court—Provision to pay monies to Supreme Court |
| 255 | Minister may agree to grant easements in lieu of compensation or purchase-money |
| 257 | Minister may grant surplus interests in land in lieu of compensation |
| 258 | Out of what fund is compensation to be paid |

MURRAY JOHN CRIDDLE, Minister for Transport.

PLANNING

PD501*

METROPOLITAN REGION TOWN PLANNING SCHEME ACT 1959

METROPOLITAN REGION SCHEME (SECTION 33) AMENDMENT No. 1004/33 HEATHCOTE

CALL FOR PUBLIC SUBMISSIONS

The Western Australian Planning Commission intends to amend the Metropolitan Region Scheme for land in the City of Melville and is seeking public comment.

The purpose of this amendment is to transfer Loc 8792 Duncraig Road, Applecross from the Public Purposes (H) reservation to the Urban zone and the Parks and Recreation reservation, as detailed in the Commission's *Amendment Report*.

The procedure for amending the Scheme, as set out in section 33 of the Metropolitan Region Town Planning Scheme Act, is to be used to advertise this proposal. Public submissions are invited and the amendment will eventually be put to Parliament for final approval. In accordance with the procedure in section 33, the Hon Minister for Planning has approved the amendment for public display and for the calling of submissions.

Copies of the amending plan and detail plan showing the proposed changes to the zones and reservations of the Scheme, and the Commission's *Amendment Report*, are available for public inspection from Monday 29 March 1999 to Friday, 2 July 1999 at each of the following places—

- Ministry for Planning
1st Floor Albert Facey House
469 Wellington Street
PERTH
- J S Battye Library
Alexander Library Building
Francis Street
NORTHBRIDGE

Council Offices of the municipalities of—

- City of Fremantle
- City of Melville
- City of Perth
- City of South Perth

Any person who desires to make a submission either supporting or objecting to any provisions of the proposed amendment should do so on the Form 6A. This submission form is available on request from the display locations, and is also contained in the explanatory *Amendment Report*.

Submissions must be lodged with the—

Secretary
Western Australian Planning Commission
469 Wellington Street
PERTH WA 6000

on or before 5.00pm Friday 2 July 1999. Late submissions will not be considered.

PETER MELBIN, Secretary,
Western Australian Planning Commission.

POLICE

PE501

POLICE ACT 1892

POLICE AUCTION

Under the provisions of the Police Act 1892 unclaimed and stolen property will be sold by Public Auction at South West Auctioneering Company, Lot 51 Strelley Street, Busselton on 22 May 1999.

R. FALCONER, Commissioner of Police.

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